

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

12-CR-192-A

WILFREDO RENOVALES,

Defendants.

NOTICE OF MOTION AND MOTION
TO SCHEDULE A TRIAL OR PLEA DATE

PLEASE TAKE NOTICE that upon the annexed Affidavit of the undersigned, the government hereby moves this Court, such motion to be heard by the United States District Court for the Western District of New York, United States Courthouse, 2 Niagara Square, Buffalo, New York, at a date and time to be determined by the Court, or as soon thereafter as counsel can be heard, to set a date certain for a trial or change of plea.

DATED: Buffalo, New York, November 6, 2014.

WILLIAM J. HOCHUL, JR.
United States Attorney

BY: s/JOSEPH M. TRIPPI
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
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FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

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12-CR-192-A

WILFREDO RENOVALES,

Defendants.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

JOSEPH M. TRIPI, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York, and I am responsible for the prosecution of this matter. I filed my notice of appearance on September 25, 2014. (See Dkt.# 105.)

2. On June 14, 2012, the defendant was charged via indictment. (See Dkt. # 9.)

3. The defendant filed pre-trial motions (see Dkts. ## 15, 24, 26, 32, 56) and the government filed responses (see Dkt. # 17, 39). Evidentiary hearings were conducted before United States Magistrate Judge Jeremiah J. McCarthy on February 20, 2013, and February 14, 2014, and related status conferences and oral arguments were held.

4. Post-hearing briefing was completed (see Dkts. ## 83-85), and Magistrate Judge McCarthy issued a Report, Recommendation and Order denying the defendant's motion to suppress.

5. While the matter was pending before Magistrate Judge McCarthy, a criminal complaint charging the defendant with new criminal conduct was filed before United States Magistrate Judge Hugh B. Scott. (14-MJ-2065.)

6. On July 25, 2014, a Superseding Indictment, was filed which, in essence, merges the conduct from the new criminal complaint and the pending indictment.

7. Defense counsel filed a motion for extension of time to file objections to the Report and Recommendations (see Dkt. # 92), but never filed objections.

8. Due to the Superseding Indictment, all matters were reset before Magistrate Judge McCarthy, who issued a new scheduling order. (See Dkt. # 97.) Assigned counsel Michael Blotnik, Esq. was relieved, and E. Carey Cantwell continued with the representation.

9. A scheduling order was entered by Magistrate Judge McCarthy (see Dkt. # 98), and it was Amended based upon motion of the defendant for an extension of time to file motions (see Dkts. ## 106 and 107.)

10. Motions were due on October 27, 2014, (see Dkt. # 107), but no motions were filed.

11. Accordingly, because no motions were filed, the government requests a meeting to schedule a trial date or a change of plea proceeding.

12. The government also notes that, to its knowledge, no objections were filed to the prior Report and Recommendation issued by Magistrate Judge McCarthy, and the government respectfully requests the Report and Recommendation be adopted.

13. As of the date of the filing of this motion, nine (9) days of speedy trial have elapsed, such that sixty-one (61) days remain on the Speedy Trial Act clock.

14. Based on the foregoing, the government moves this Court to set a date certain for trial of Wilfredo Renovales.

s/JOSEPH M. TRIPI
Assistant United States Attorney
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Western District of New York
138 Delaware Avenue
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Subscribed and sworn to before me
this 6th day of November, 2014.

s/DANIELLE C. BANKOSKE
COMMISSIONER OF DEEDS
In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2014.